

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of CA on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 12-01903 PSG	DATE FILED 4/17/2012	U.S. DISTRICT COURT 280 South First Street, Rm 2112, San Jose, CA
PLAINTIFF SPIREON INC.		DEFENDANT CALLPASS TECH
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,025,774		SEE ATTACHED COMPLAINT
2 6,249,217		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Betty Walton	DATE April 19, 2012
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Raj Abhyanker, P.C.
Mountain View, CA
rajpatent.com

1 RAJ V. ABHYANKER (CA SBN 233284)
raj@rajpatent.com
2 LYNN M. TERREBONNE (SBN# 248964)
lynn@rajpatent.com

3 RAJ ABHYANKER, P.C.
4 1580 W. El Camino Real, Suite 13
5 Mountain View, CA 94040
6 Telephone: (650) 965-8731
Facsimile: (650) 989-2131

7 Attorneys for Plaintiff.
8 Spireon, Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SPIREON, INC., a Tennessee Corporation,
12

13 Plaintiff,
14

15 v.

16 CALLPASS TECH, LLC, a Florida
17 Corporation (d/b/a iGOTCHA GPS),

18 Defendant.
19

20 Plaintiff Spireon, Inc. (formerly known as ProconGPS, Inc.), by and through its attorneys,
21 hereby alleges for its Complaint against Defendant CallPass Tech, LLC. (d/b/a iGotcha GPS) the
22 following.

23 **PARTIES**

24 1. Spireon, Inc. ("Spireon") is a corporation organized under the laws of the State of
25 Tennessee with its principal place of business at 2035 Lakeside Centre Way, Suite 125 Knoxville,
26 Tennessee 37922 and facilities in Irvine, California, and is doing business in this District.

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ORIGINAL
FILED
2012 APR 17 P 2:52
RICHARD W. MURPHY
CLERK OF DISTRICT COURT

E-filing

CV 12 1903

CASE NO.

COMPLAINT FOR PATENT
INFRINGEMENT

PSG

DEMAND FOR JURY TRIAL

2. On information and belief, CallPass Tech, LLC. (d/b/a iGotcha GPS) ("CallPass") is a corporation organized under the laws of the State of Florida with its principal place of business at 4592 Ulmerton Road #200, Clearwater, Florida, and is doing business in this district.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Jurisdiction as to these claims is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant CallPass has committed acts of direct and/or indirect infringement in this judicial district and/or has purposely transacted business in the infringing goods and/or services in the State of California and in this judicial district.

5. On information and belief, this Court has personal jurisdiction over Defendant CallPass because Defendant CallPass transacts business in the State of California and in this District. On information and belief, Defendant CallPass either directly or through intermediaries, solicited business, conducted and does conduct business, ships, distributes, offers for sale, and/or sells products and services in California and within this judicial district. Upon information and belief, Defendant CallPass derives substantial revenue from its acts of infringement within the State of California and in this District.

INTRADISTRICT ASSIGNMENT

6. This is an Intellectual Property Action to be assigned on a district-wide basis pursuant to Civil Local Rule 3-2(c).

THE ASSERTED PATENTS

7. On February 15, 2000, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 6,025,774 (the "'774 Patent"), entitled "Method for Retrieving Vehicular Collateral." A true and correct copy of the '774 Patent is attached as

Exhibit 1.

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8. On June 19, 2001, the USPTO duly and legally issued U.S. Patent No. 6,249,217 (the "'217 Patent'"), entitled "Method for Retrieving Vehicular Collateral." A true and correct copy of the '217 Patent is attached as **Exhibit 2**.

9. Spireon is the exclusive owner of the '217 Patent and the '774 Patent by assignments filed with the USPTO on July 11, 2011.

BACKGROUND

10. Spireon's predecessor was established in 2002 to provide wireless security and mobile security products and services. Spireon's predecessor grew to be the leading service provider of location-based products and services, including products and services that perform tracking based on global positioning System ("GPS") data. Spireon's predecessor designed, developed, marketed, and sold GPS tracking devices and solutions for several years. The GPS tracking devices from Spireon's predecessor enable customers to locate and track vehicles across Spireon's predecessor's North American data network.

11. In March 2008, Spireon's predecessor entered into non-exclusive licenses for the '774 and '217 Patents from their prior owner. Using these licenses, Spireon's predecessor and then Spireon built their GPS tracking business from \$15 million in 2007 to over \$70 million in 2010. On or about June 27, 2011, Spireon purchased the patents from the licensor.

12. The inventions embodied in the '774 and '217 Patents have helped Spireon's predecessor and then Spireon revolutionize the vehicle finance tracking industry. Due to the enormous cost savings and improved security provided by the method of recovering collateral as claimed in the '774 and '217 Patents, auto dealers and financial institutions are able to offer their products and services to a dramatically wider market.

COUNT I

(Infringement of the '774 Patent)

13. Spireon incorporates and realleges paragraphs 1-12 as if fully set forth herein.

14. Defendant CallPass has been and is now infringing, directly, literally, and/or under the doctrine of equivalents, and/or indirectly (by way of inducing infringement of others and/or contributing to the infringement by others), the '774 Patent by, among other things, making,

1 using, operating, importing, offering to sell, and/or selling products, including, but not limited to,
2 the QUICK tracking devices, which implement one or more methods of securing collateral that
3 are covered by one or more claims of the '774 Patent, including without limitation, independent
4 claim 1. Defendant CallPass is thus liable for infringement of the '774 Patent pursuant to 35
5 U.S.C. § 271.

6 15. On information and belief, the infringement of the '774 Patent by Defendant
7 CallPass is and has been willful. On information and belief, Defendant CallPass received
8 notification of the '774 Patent from Spireon and, therefore, has been aware or should have been
9 aware of the '774 Patent since its issuance on February 15, 2000.

10 16. On information and belief, Defendant CallPass has not ceased its willful
11 infringement of the '774 Patent, and disregarded and continues to disregard the fact that its
12 actions constitute infringement of the '774 Patent. On information and belief, this risk has been
13 known, or is so obvious, that it should have been known to Defendant CallPass.

14 17. On information and belief, Defendant CallPass committed these acts of
15 infringement without license or authorization.

16 18. As a result of the infringement of the '774 Patent by Defendant CallPass, Spireon
17 has suffered monetary damages in an amount not yet determined, and Spireon will continue to
18 suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting
19 Defendant CallPass its officers, directors, agents, servants, affiliates, employees, divisions,
20 branches, subsidiaries, parents, and all others acting in active concert or participation therewith
21 from infringing the '774 Patent.

22 COUNT II

23 (Infringement of the '217 Patent)

24 19. Plaintiff incorporates and realleges the allegations of paragraphs 1-18 as if fully set
25 forth herein.

26 20. Defendant CallPass has been and is now infringing, directly, literally, and/or under
27 the doctrine of equivalents, and/or jointly and/or indirectly (by way of inducing infringement of
28 others and/or contributing to the infringement by others), the '217 Patent by, among other things,

1 making, using, operating, importing, offering to sell, and/or selling products , including, but not
2 limited to, the QUICK tracking devices, which implement one or more methods of securing
3 collateral that are covered by one or more claims of the '217 Patent, including without limitation,
4 independent claim 1. Defendant CallPass is thus liable for infringement of the '217 Patent
5 pursuant to 35 U.S.C. § 271.

6 21. On information and belief, the infringement of the '271 Patent by Defendant
7 CallPass is and has been willful. On information and belief, Defendant CallPass received
8 notification of the '217 Patent from Spireon and, therefore, has been aware or should have been
9 aware of the '217 Patent since its issuance on June 19, 2001.

10 22. On information and belief, Defendant CallPass has not ceased its willful
11 infringement of the '217 Patent and disregarded and continues to disregard the fact that its actions
12 constitute infringement of the '217 Patent. On information and belief, this risk has been known,
13 or is so obvious, that it should have been known to Defendant CallPass.

14 23. On information and belief, Defendant CallPass committed these acts of
15 infringement without license or authorization.

16 24. As a result of the infringement of the '217 Patent by Defendant CallPass, Spireon
17 has suffered monetary damages in an amount not yet determined, and Spireon will continue to
18 suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting
19 Defendant CallPass, its officers, directors, agents, servants, affiliates, employees, divisions,
20 branches, subsidiaries, parents, and all others acting in active concert or participation therewith
21 from infringing the '217 Patent.

22 **DEMAND FOR JURY TRIAL**

23 Plaintiff Spireon requests a trial by jury of any issues so triable.

24 **PRAYER FOR RELIEF**

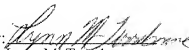
25 For the foregoing reasons, Spireon respectfully asks this Court to grant the following
26 relief in favor of Spireon and against Defendant CallPass:

- 27 a. A judgment in favor of Spireon that Defendant CallPass has directly (literally
28 and/or under the doctrine of equivalents) and/or indirectly (by way of inducing

- infringement of others and/or contributing to the infringement by others) infringed one or more claims of the '774 Patent and one or more claims of the '217 Patent;
- b. A permanent injunction enjoining Defendant CallPass and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation therewith from infringing the '774 Patent and the '217 Patent;
- c. A judgment and order requiring Defendant CallPass to pay Spireon its damages (including a reasonable royalty and/or lost profits), costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '774 Patent and the '217 Patent;
- d. A judgment and order finding that Defendant CallPass willfully infringed the '774 Patent and the '217 Patent, and trebling damages under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Spireon its reasonable attorneys' fees and costs; and
- f. Any other relief as the Court deems just and proper.

Dated: April 17, 2012

Respectfully submitted

By: 
Lynn M. Terrebonne
Raj V. Abhyanker
RAJ ABHYANKER, P.C.
1580 W. El Camino Real, Suite 13
Mountain View CA, 94040
Telephone: (650) 965-8731
Facsimile: (650) 989-2131
lynn@rajpatent.com
raj@rajpatent.com

*Attorneys for Plaintiff,
Spireon, Inc.*